

UNITED STATES DISTRICT COURT
PROBATION AND PRETRIAL SERVICES
NORTHERN DISTRICT OF TEXAS



UNITED STATES OF AMERICA)

v.)

SHANDA BRITE)

Case No. 4:15-CR-00153-O(4)

DISTRICT COURT
 NORTHERN DISTRICT OF TEXAS

FILED

AUG 13 2015

Report of Violation of Conditions of Pretrial Release

CLERK, U.S. DISTRICT COURT

COMES NOW Robert Honstein, U.S. Probation Officer, presenting a report to the court upon the conduct of defendant, Shanda Brite, who was placed on pretrial release supervision by the Honorable U.S. Magistrate Judge Jeffrey L. Cureton sitting in the court at Fort Worth, Texas, on July 1, 2015, under the following conditions:

(7m) The defendant must not use or unlawfully possess a narcotic drug or other controlled substances defined in 21 U.S.C. § 802, unless prescribed by a licensed medical practitioner.

The undersigned has information that the defendant has violated such conditions in each of the following respects:

On July 24, 2015, the defendant submitted a urine sample at the Hoping Open Peoples' Eyes (HOPE) clinic in Fort Worth, Texas which tested positive for marijuana.

On August 3, 2015, the defendant reported to the U.S. Probation Office in Fort Worth, Texas, and she was confronted about illicit drug use while on pretrial supervision. The defendant denied smoking marijuana while on pretrial supervision, but she admitted she smoked K-2 synthetic marijuana on or about July 20th & July 21st, 2015 from a pipe previously used for smoking marijuana. The defendant was advised smoking K-2 synthetic marijuana is also illegal and questioned on whether she knew this. The defendant reported she suspected it was illegal because she went to various smoke shops in the area and was told they didn't sell it because it was illegal. The defendant stated she was advised by a peer that it was being sold at Habits smoke shop in Fort Worth, Texas under the disguise of potpourri, so she went and bought a bag of the illicit substance and smoked it. The defendant signed an Admission of Drug Use form admitting she used K-2 synthetic marijuana on multiple occasions over a two-week period in July 2015. The defendant was questioned on why she would consume K-2 knowing it was illegal, and she stated she smoked it because she is a "pothead" and didn't think it would show up in a drug test.

The defendant was verbally reprimanded and advised of the consequences that could result from her illicit drug use. The defendant expressed remorse and stated she had already thrown away her pipe and K-2 supply. The defendant was questioned about the effectiveness of the substance abuse treatment she is receiving and she reported she is still bothered by emotional issues and has not felt comfortable disclosing this information to her substance abuse counselor. The defendant was referred to Phoenix Associates Counseling in Fort Worth, Texas for a mental health assessment, and she agreed to comply with her treatment.

The defendant's urine sample which tested positive for marijuana locally was subsequently submitted to the Alere national lab for confirmation. On August 7, 2015, a confirmation report was received from the Alere national lab indicating the urine sample in question tested negative for marijuana use.

The undersigned suggest to the court that a summons be issued and the defendant appear before a judge of this court for further admonishment and encouragement.

I declare under penalty of perjury that the foregoing
is true and correct.

Executed on August 8, 2015

Approved,

s/Robert Honstein

U.S. Probation Officer

Ft Worth

817-900-1876

Fax: 817-978-3726

s/Cecilio Bustamante

Supervising U.S. Probation Officer

214-753-2506

Order

Having considered the report of the Probation Office pertaining to possible violations by defendant, Shanda Brite, of his/her conditions of pretrial release, the court ORDERS that:

- ☐ No action be taken.
[enter text]
- ☐ The Order Setting Conditions of Release is modified to include the following:
[enter text]
- ☒ A summons be issued and the defendant appear before a judge of this court to determine whether his/her conditions of pretrial release should be revoked.
- ☐ A violator's warrant be issued, and the above-named defendant be arrested forthwith and brought before a judge of this court to determine whether his/her conditions of pretrial release should be revoked. Petition and warrant sealed and not be distributed to counsel of record until effectuated.
- ☐ The office of the U.S. Attorney for the Northern District of Texas file a motion to revoke the conditions of the defendant's pretrial release, consistent with the information contained in the foregoing Report, and take such steps as are necessary to present such motion at the hearing thereon.
- ☐ File under seal until further order of the Court.


Jeffrey L. Cureton
U.S. Magistrate Judge

[enter date]

Date

8/13/15